



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Chris Pallas, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

June 14, 2005

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in regular session on June 14, 2005, at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL: Mayor Franzella presiding with Councilmembers Ruane, Ibarra, O'Connell, and Pallas in attendance. Recording by City Clerk Simon. Parks and Recreation Services Director Mazzuca led the PLEDGE OF ALLEGIANCE.

ANNOUNCEMENTS:

- a. Due to the re-flooring of the Senior Center, the **San Bruno Planning Commission** meeting of June 21, 2005, will be held at City Hall and will be taped and replayed on Channel 11 Wednesday June 22, 2005, at 6:00 p.m. and again on Thursday June 23, 2005, at 2:00 p.m.
- b. The **San Bruno Redevelopment Agency** meeting follows tonight's City Council meeting.

PRESENTATIONS:

Certificates of Recognition for **25 years of public service** were presented to Councilmember Chris Pallas and City Treasurer Karen Hornung from Gene Mullin, Assemblyman. Mayor Franzella made the presentation on Assemblyman Mullin's behalf and praised both officials for their dedicated service to the San Bruno Community.

Councilmember Pallas introduced his wife Ruth, son, daughter-in-law Rosie, grandson Michael, little sweetheart Marianna, brothers Andrew and Harry. He thanked the citizens of San Bruno for allowing him to serve them.

City Treasurer Karen Hornung said she would like to thank City Clerk Simon for telling her about the position 25 years ago. She thanked her family for putting up with her not always being available. She introduced her husband Ed, son Daniel, daughter Kerry, and son-in-law John. She is expecting her first grandchild in two months. She thanked everyone for all the support she has been given.

2. REVIEW OF AGENDA: Mayor Franzella moved item 9.c. up to follow item 6.

3. APPROVAL OF MINUTES: The regular City Council meeting minutes of May 24, 2005, were approved as submitted.

4. CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

- a. **Approve: Payroll** of May 20, and June 3, 2005.

- b. **Approve: Accounts Payable** of May 16, and 23, 2005 (Council Packets only, copy is available for review at the City Clerk's office).
- c. **Approve:** Adopt resolution authorizing the acceptance of the San Bruno Fire Station No. 51 **Roof Replacement Project** improvements and the filing of a notice of completion with the County Recorder.

M/S Ibarra/Ruane to approve the consent calendar and passed with a unanimous vote.

5. PUBLIC HEARINGS: (Notices have been published, posted, and mailed.) **None**

6. UNFINISHED BUSINESS:

City Attorney Thompson presented options for language and title to be used for the November 8, 2005, General Municipal Election **Ballot Measure regarding the use of "Safe and Sane" fireworks**. Requires introduction and adoption of a resolution for submission of ballot measure, determining whether Councilmembers will file arguments, and whether to allow rebuttal arguments, and directing the City Attorney to prepare an impartial analysis.

City Attorney Thompson presented the staff report. The wording format is similar to those used in past ballot measures in the City of San Bruno. Yes will mean the citizens want to keep safe and sane fireworks and No means they do not wish to have safe and sane fireworks. Certain language must be used or the ballot measure may be deemed advisory, which is not the direction of the City Council. She reviewed both options before the Council.

Vice Mayor Ruane asked why the ordinance needs to be a part of the measure and why not just say, "Should fireworks continue to be used?"

City Attorney Thompson said it would not comply with the election code format and would become an advisory measure, which would not make anything happen.

Vice Mayor Ruane said option 2 is very convoluted and option 1 is the way to go. He asked if the people vote No on option 1, what action does that trigger?

City Attorney Thompson replied that it only means the majority do not want fireworks and the City Council would still need to take additional steps to ban all fireworks. The City Council could ban fireworks or there could be a voter initiative brought to the Council by the citizens.

Councilmember Ibarra said he understands if a City does not have an ordinance banning safe and sane fireworks, citizens can still use them under state law. City Attorney Thompson said that is correct; however, it would be difficult to sell them without a permit process in place.

Councilmember Ibarra said lets keep it simple, if the people vote to keep safe and sane fireworks everything stays the same and if the majority says no, then the Council will ban them.

City Attorney Thompson said she does not disagree, but is only pointing out one format over another and she wants to make sure this measure is not advisory and is not challenged.

Mayor Franzella asked if we use option 1, and the vote is yes, could a City Council ban fireworks? City Attorney replied no, not without a vote of the people.

Mayor Franzella said he feels if the voters vote no, the City Council will enact an ordinance to ban fireworks. This is why we are putting it to the vote of the people in the first place.

Councilmember Ibarra asked what advantage would it be to draft an ordinance to ban fireworks now in case the voters say no on the measure?

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City Attorney Thompson said she could bring an ordinance back at the next Council meeting, which could go into effect at a certain time after the Municipal Election. The existing ordinance would expire in January of next year unless the voters vote yes on the measure, otherwise there would be unregulated fireworks.

Steven Pieraldi of Santa Lucia Avenue said the City Attorney did a tremendous amount of work on the staff report and he prefers Option 1, which is very clear, and the vote of the people will give the City Council the mandate it is looking for.

Mike Kaiser of 5th Avenue said he wants to make sure no one can tamper with the decision after the election. He wants the wording to mean yes for fireworks and no means no fireworks.

Dennis Revell of Revell Communications said he agrees with the City Attorney and Option No 1 is the best way to go. Normally one would repeal the existing ordinance; however, that would mean a yes vote would mean no fireworks. The intent of the City Council is being met with Option 1.

Mayor Franzella asked if we went with Option 1 and the vote was no, could the Council take action after the election to ban fireworks? The only way to ensure the Council takes that action is to have two ordinances on the ballot and that would only confuse the electorate. Staff time to draft a new ordinance now to band fireworks would be a waste if voters vote yes in November. He would recommend we wait until after the election.

Councilmember Ibarra asked why the fireworks industry uses the term “state approved” and we use the term “safe and sane” when talking about fireworks? City Attorney Thompson said the Health and Safety code uses the term safe and sane and most people are comfortable with it.

M/S Ruane/O’Connell to use Option No. 1 with a roll call vote of all ayes.

Mayor Franzella said the Councilmembers should do the primary arguments, allow rebuttal arguments, and order the City Attorney to draw up an impartial analysis. **City Clerk Simon** suggested the Council have two Ad Hoc Committees, one in favor and one against the ballot measure. It was agreed that Councilmembers Pallas and O’Connell would write the argument in favor and Mayor Franzella and Vice Mayor Ruane would write the argument against the measure.

Mayor Franzella called for a vote on the resolution, with a roll call vote of all ayes.
(The City Clerk asked for clarification that the resolution included the desire for rebuttal arguments and it was confirmed yes.)

Mayor Franzella moved up 9.c., resolutions calling the November 8, 2005, General Municipal Election. Clerk Simon gave the staff report and described the three resolutions requiring Council action.

Councilmember Ibarra asked what the difference was from prior elections in regard to the cost for the printing of the candidate statements? Clerk Simon replied in prior elections the candidates only paid \$292 for printing in any language not legally required; however, in this election everyone requesting to have a candidate statement printed will pay a total cost of \$300.

Vice Mayor Ruane introduced the resolution calling the election with a roll call vote of all ayes.

Vice Mayor Ruane introduced the resolution requesting election services from the County with a roll call vote of all ayes.

Vice Mayor Ruane introduced the resolution establishing candidate statement policy with a roll call vote of all ayes.

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT:

- a. Police Chief Violetta recommended the City Council adopt resolution-approving amendment to the agreement with **Turbo Data Systems, Inc.** for parking citation processing and collection services for FY 2005-06.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

- b. Parks and Recreation Services Director Mazzuca recommended the City Council approve award of contract with **Box Lunch Company** for the San Bruno Senior Center's Congregate Nutrition Program.

Councilmember Ibarra asked how many lunches are served at the Senior Center per year?

Wendy Mines, Recreation Services Manager replied over 19,000 lunches were served last year.

Councilmember Ibarra wanted the public to know that BINGO on Thursday nights pays for these lunches and no General Fund money is used. He thanked the Senior Center staff for their very hard work.

Councilmember Ibarra introduced the resolution for adoption with a roll call vote of all ayes.

- c. Public Works Director Munns recommended the City Council adopt resolution authorizing the City Manager to Execute a Contract with Tennyson Electric, Inc. of Livermore for the **El Camino Real Emergency Vehicle Priority Control System Project** in the Amount of \$207,900; Authorizing a Total Construction Budget with Contingencies in the Amount of \$285,200; and Authorizing a Total Project Expenditure of \$98,000 in Local Matching Funds and the Inclusion of Two Additional Signalized Intersections at Sneath Lane/Seabiscuit Way and El Camino Real/Santa Inez Avenue by Change Order. Director Munns gave the staff report and showed several power point slides detailing the locations of the proposed intersections where relays and control systems will be installed.

Vice Mayor Ruane asked if this was a universal system, which changes the lights from red to green for emergency vehicles and will it work up and down the peninsula? Director Munns replied the County's goal is to have the system in place along the El Camino Real corridor but it has only been installed in larger communities. The transponders and strobe lights will work in all Cities. Public Works staff is looking to see if unused grant funds can be used in other Cities wanting to install the control system.

Councilmember O'Connell asked if the ambulances would also have this system in place and the reply was yes.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

8. COMMUNICATIONS:

Receive letter dated May 31, 2005, from Ron Cox, Manager of Artichoke Joes Casino, **requesting a 12-month extension** of the reduced table tax by approving 38 gaming tables through June 30, 2006.

Letter was referred to the Council Ad Hoc Committee on gaming for their recommendation.

9. STAFF REPORTS:

- a. Public Works Director Munns recommended the City Council adopt a resolution authorizing the acceptance of the **Belle Air Water and Sewer Replacement Project - Phase 2A** and Filing of a Notice of Completion with the San Mateo County Recorder; Appropriating \$18,822 from the Water Capital Improvement Fund Balance; and Authorizing a Final Water Enterprise Fund Construction Expenditure of \$469,124.

Director Munns gave the staff report and the action was to approve the increase of \$18,822. This project will complete the majority of water and sewer work needed in the Belle Air area.

Councilmember Pallas introduced the resolution for adoption with a roll call vote of all ayes.

- b. Public Works Director Munns recommends the City Council adopt resolution authorizing the City Manager to **Expand the Scope of Work on the El Camino Real (SR-82) Sneath Lane Signals** Upgrade and Roadway Modifications Project by Change Order to Include Additional Landscaping and Lighting Improvements in the Estimated Amount of \$95,000.

Director Munns gave the staff report and power point presentation showing the sources of funding for this project. These are the additional landscape, trees, and median improvements not included in the original contracts awarded. The old chain link fence in the median strip on El Camino Real will be eliminated.

Councilmember Pallas asked if BART was paying its share? The reply was BART would be billed for \$900,000, which is their share of cost.

Councilmember O'Connell asked if the new street trees would be on the Tanforan side of El Camino and who would maintain? Director Munns replied there would be 6 lights and a retaining wall being built with a 10-foot sidewalk. Tanforan will maintain the landscaping, which is being replaced.

Councilmember Ibarra asked what about the trees on the West side? Director Munns said there are some trees near the medical building and the planting of new trees would continue all the way down to the I-380 on-ramp.

Councilmember O'Connell introduced the resolution for adoption with a roll call vote of all ayes.

- c. City Clerk Simon recommended the City Council adopt resolutions calling the **November 8, 2005, General Municipal Election**; requesting election services from the San Mateo County Clerk; and establishing candidate statement policy. (This item was taken up earlier with agenda item 6.)

At 8:45 p.m. Mayor Franzella called for a 5-minute break

At 8:55 p.m. Meeting was reconvened

- d. City Clerk Simon recommended the City Council **authorize scheduled salary step-increase** for City Clerk effective June 15, 2005. A step increase from 3 to 4 was approved by the City Council on October 26, 2004 and was effective November 1, 2004. This change from step 4 to step 5 would result in an increase of \$332 per month.

Councilmember Ibarra asked if step five salary was the maximum paid for this office? City Clerk Simon replied yes, the new City Clerk would start at step 1 which is approximately \$1200 less per month.

M/S Pallas/Ruane to approve advancement to step five for the City Clerk and passed with a unanimous vote.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Jerold Gaffney of Lake Drive lives in Portola Highlands and has been complaining since 1995 about the sidewalk in front of his house. The tree is lifting the sidewalk and is a trip hazard. The Parks department has painted with yellow paint but never fixed the problem. Please take the tree out and repair the sidewalk. Mayor Franzella asked for Mr. Gaffney's phone number and promised a staff member would be contacting him very soon.

Rose Urbach of Euclid Avenue said the patches used on the sidewalks have all failed and there is a trip hazard in front of her home plus on most of the 700 block of Masson Avenue. People are still having problems crossing San Bruno Avenue near Rolling Pin Donuts because the vehicles will not stop for pedestrians in the crosswalks. Upper San Bruno Avenue needs paving badly.

Brian Shea of Santa Lucia Avenue thanked the Council for putting parking back at Beckner Shelter. He received a warning from the San Bruno Police Department to move his vehicle, which he did, around the corner. His truck was towed away and cost him \$300 to get in out of storage. The warning did not indicate the vehicle must be moved 1/10 of a mile or he would have moved it further away. He will be filing a claim against the City for reimbursement since proper notice was not given to him.

Councilmember Ibarra said he had the honor and privilege to organize the Posy Parade this year. He thanked the City employees who assisted with the event. Many people said in the past there were more people and floats in the parade. He announced that Rose Urbach had unofficially helped with the motto "A City With A Heart" which was the theme of the parade. She was not feeling up to participating as the Grand Marshal of the parade this year but will be considered in future parades.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Senior Advisory Board recommended the City Council adopt resolution approving **by-law revisions**.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

13. NEW BUSINESS: Meeting will adjourn to City Council Budget Sessions scheduled for Monday June 20, 2005, and Wednesday June 22, 2005. Both meetings will start at 5:30 p.m. and will be held in the City Hall Sister City Conference Room 567 El Camino Real. Meetings will be taped and replayed on Channel 11 on Thursday June 23, 2005 at 6:00 p.m. and Monday June 27, 2005, at 6:00 p.m.

14. ADJOURNMENT:

The next regular City Council meeting is scheduled for Tuesday June 28, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval
at the regular City Council Meeting
of June 28, 2005**

Ed Simon, City Clerk

Larry Franzella, Mayor